

REMARKS

A telephone discussion between the Examiner and Dennis Smid (one of the applicant's undersigned attorneys) was held on November 5, 2007. The applicant and Mr. Smid wish to thank the Examiner for his time and consideration for such discussion.

Claim 2 has been canceled. Claims 3, 4 and 6, amended claims 1 and 5, and new claim 7 are in this application.

The Examiner objected to the amendment filed on May 10, 2007. In particular, the Examiner objected to the changes to the specification set forth in the May 10 amendment.

The present specification has been amended herein in the manner discussed during the November 5 discussion. Accordingly, it is respectfully requested that the above objection be withdrawn.

Claim 1 was rejected under 35 U.S.C. 112, first paragraph. In explaining this 112 rejection, the Examiner stated that "it is not clear from the specification how an 'optimum file size' is detected/determined." Claim 1 was also rejected under 35 U.S.C. 112, second paragraph. In explaining this 112 rejection, the Examiner stated that the term "optimum" is a relative term which renders the claim indefinite.

As discussed during the November 5 discussion, claim 1 has been amended herein to delete the word "optimum" and to further revise claim 1. Accordingly, it is respectfully requested that the above 112 rejections be withdrawn.

Claims 1 and 3-5 were rejected under 35 U.S.C. 102(e) as being anticipated by Yano et al., U.S. Patent No. 6,711,594.

Independent claim 1 has been amended herein in the manner discussed during the November 5 discussion. That is, amended independent claim 1 recites in part the following:

"a circuit for obtaining a file size of digital data for storage as a file into an external storage unit, in which the file size is obtainable based on data indicative of write or read characteristics of the external storage unit; and

a division circuit for dividing a file into a plurality of files each having the file size obtained by the circuit for obtaining;"
(Emphasis added.)

It is respectfully submitted that Yano as applied by the Examiner does not appear to disclose the above features of claim 1. That is, in discussing the above rejection with regard to claim 1, the Examiner appears to rely on Fig. 1 and lines 1-21 of column 10 of Yano to teach "detecting an optimum file size" (see page 6, lines 3-4 and page 11, line 4 of the present Office Action); and, in discussing the above rejection with regard to claim 5, the Examiner appears to rely on column 1, line 45 to column 2, line 3 of Yano to teach a division circuit (see page 7, lines 20-21 of the present Office Action.) As best understood, such portions of Yano do not appear to disclose obtaining a file size "based on data indicative of write or read characteristics of the external storage unit" and dividing a file into a plurality of files "each having the file size obtained by the circuit for obtaining" as in claim 1.

Accordingly, it is respectfully submitted that claim 1 is distinguishable from Yano as applied by the Examiner and, as such, it is respectfully requested that the above 102 of claim 1 be withdrawn. Since claims 3-5 depend from claim 1, it is also respectfully requested that the above 102 rejection of claims 3-5 be withdrawn for at least the same reasons.

Claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Yano et al., in view of Murty et al., U.S. P.G. Publication 2003/0084290.

Claim 6 depends from claim 1. As such, it is respectfully submitted that claim 6 is distinguishable from Yano as applied by the Examiner for at least the reasons previously described. The Examiner does not appear to have relied on Murty to overcome the above-described deficiencies of Yano. Accordingly, it is respectfully submitted that claim 6 is distinguishable over the applied combination of Yano and Murty and, as such, it is requested that the above 103 of claim 6 be withdrawn.

New dependent claim 7 is added herein.

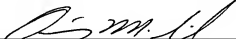
Further, the features incorporated into claims 1 and 7 herein are believed to be described in the present application. See, for example, lines 5-9 of page 9 of the present application.

As it is believed that all of the objections and rejections set forth in the Official Action have been overcome, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections and/or rejections which the Examiner might have.

If there are any charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: November 7, 2007

Respectfully submitted,

By 

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